

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JARVIN LOPEZ,
Petitioner

v.

WARDEN CRAIG A. LOWE,
Respondent

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No. 1:16-cv-02463

(Judge Kane)
(Magistrate Judge Mehalchick)

ORDER

Before the Court is the May 8, 2017 Report and Recommendation of Magistrate Judge Mehalchick. (Doc. No. 6.) No timely objections have been filed. **ACCORDINGLY**, on this 23rd day of May 2017, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation of Magistrate Judge Mehalchick (Doc. No. 6);
2. Petitioner Jarvin Lopez's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1), is **GRANTED**;
3. Petitioner shall be afforded an individualized bond hearing before an immigration judge within **thirty (30) days** of the date of this Order;
4. At the bond hearing, the immigration judge must make an individualized inquiry into whether detention is still necessary for purposes of ensuring that Petitioner attends removal proceedings and that his release will not pose a danger to the community. Chavez-Alvarez v. Warden York Cnty. Prison, 783 F.3d 469, 475 (3d Cir. 2015). Further, the government bears the burden of demonstrating that Lopez's continued detention is necessary to fulfill the purposes of the detention statute. Diop v. ICE/Homeland Sec., 656 F.3d 221, 233 (3d Cir. 2011);
5. Petitioner's motion for entry of order (Doc. No. 5), is **DENIED AS MOOT**; and
6. The Clerk is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court

Middle District of Pennsylvania